

Act No. 107
Public Acts of 2001
Approved by the Governor
July 27, 2001
Filed with the Secretary of State
July 30, 2001
EFFECTIVE DATE: September 30, 2001

STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001

Introduced by Senators Hammerstrom and Johnson

ENROLLED SENATE BILL No. 318

AN ACT to amend 1846 RS 84, entitled "Of divorce," by amending sections 1, 15, 16, 17, 30, 35, and 36 (MCL 552.1, 552.15, 552.16, 552.17, 552.30, 552.35, and 552.36), sections 15, 16, and 17 as amended by 1996 PA 9; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. If solemnized within this state, a marriage that is prohibited by law because of consanguinity or affinity between the parties, because either party had a wife or husband living at the time of solemnization, or because either party was not capable in law of contracting at the time of solemnization is absolutely void. The issue of such a marriage are legitimate.

Sec. 15. (1) After the filing of a complaint in an action to annul a marriage or for a divorce or separate maintenance, on the motion of either party or the friend of the court, or on the court's own motion, the court may enter orders concerning the care, custody, and support of the minor children of the parties during the pendency of the action as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605, and as the court considers proper and necessary. Subject to 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as provided in this subsection for the parties' children who are not minor children.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

Sec. 16. (1) Upon annulling a marriage or entering a judgment of divorce or separate maintenance, the court may enter the orders it considers just and proper concerning the care, custody, and, as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605, support of a minor child of the parties. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as provided in this subsection for the parties' children who are not minor children.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

Sec. 17. (1) After entry of a judgment concerning annulment, divorce, or separate maintenance and on the petition of either parent, the court may revise and alter a judgment concerning the care, custody, maintenance, and support of some or all of the children, as the circumstances of the parents and the benefit of the children require.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a specific

provision regarding the contents or enforcement of a support order that conflicts with a provision in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act controls in regard to that provision.

Sec. 30. Upon the dissolution of a marriage because of a party's non-age at the time of the marriage, or because a party was otherwise not capable in law of contracting at the time of the marriage, the issue of the marriage are in all respects the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

Sec. 35. If, at the time of a marriage, a party to the marriage was not capable in law of contracting, an individual admitted by the court as the party's next friend may bring an action to annul the marriage.

Sec. 36. A party to a marriage who, at the time of the marriage, was not capable in law of contracting and who later becomes capable in law of contracting may bring an action to annul the marriage. The court shall not, however, annul the marriage if the court finds that the parties cohabited as husband and wife after the party became capable in law of contracting.

Enacting section 1. Section 16a of 1846 RS 84, MCL 552.16a, is repealed.

Enacting section 2. This amendatory act takes effect September 30, 2001.

Enacting section 3. This amendatory act does not take effect unless Senate Bill No. 317 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Jay E. Randall

Clerk of the House of Representatives.

Approved

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Governor.